
HOUSE BILL No. 1027

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-10-1-2.

Synopsis: Pauper counsel in civil actions. Creates a presumption that a person is entitled to an attorney in a civil proceeding if the person is impoverished under the federal poverty guidelines. Creates certain exceptions to the presumption of representation.

Effective: July 1, 2002.

Kuzman

January 8, 2002, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1027

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-10-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. **(a) This section**
3 **shall not be construed to prohibit a court from:**

4 **(1) participating in a pro bono legal services program or any**
5 **other program that provides legal services to litigants without**
6 **charge or at a reduced fee; or**

7 **(2) appointing counsel as provided by another statute.**

8 **(b)** If the court is satisfied that a person who makes an application
9 described in section 1 of this chapter does not have sufficient means to
10 prosecute or defend the action, the court: ~~shall:~~

11 **(1) shall** admit the applicant to prosecute or defend as an indigent
12 person; and

13 **(2) may** assign an attorney to defend or prosecute the cause.

14 **(c) It is presumed that a person who is impoverished according**
15 **to the federal poverty guidelines will be assigned an attorney under**
16 **subsection (b)(2). However, the presumption is rebutted if the court**
17 **finds that the person:**



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- 1 **(1) has financial resources available to employ private counsel**
2 **without imposing a financial hardship on the person or the**
3 **person's family;**
4 **(2) is voluntarily unemployed or underemployed;**
5 **(3) is owed money or other assets in an amount sufficient to**
6 **employ private counsel;**
7 **(4) is impoverished due to incarceration; or**
8 **(5) is unlikely to prevail on the person's claim or defense.**
9 **(d) All officers required to prosecute or defend the action shall do**
10 their duty in the case without taking any fee or reward from the
11 indigent person.

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